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This Week in Gang Land

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By Jerry Capeci

Three Years Later, Feds Turn Over *Brady Material* In Meldish Murder



With help from state prosecutors in the Bronx, federal prosecutors in the Southern District of New York withheld evidence favorable to the defense for three years from lawyers for a pair of Luchese gangsters charged back in 2015 with the gangland-style killing of former Purple Gang leader Michael Meldish, Gang Land has learned.

Sources say that documents only recently turned over to the defense show that an unnamed cooperating witness confessed to his government handlers that he was present when an associate carried out the hit on Meldish. The cooperating witness (CW) later recanted his confession. But the documents appear to clearly constitute *Brady Material* — exculpatory information that prosecutors are obliged under court rules to share with the defense.

Sources say that federal prosecutors recently turned over the so-called *Brady Material* in the case. The information contradicts the government's main theory about the murder: The defendants charged with the killing — mobster Christopher Londonio and mob associate Terrence Caldwell — were the sole members of a two-man hit team in the November 15, 2013 execution murder of Meldish.

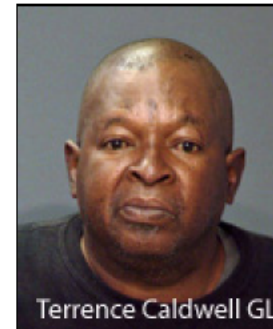


The federal prosecutors include two assistant U.S. attorneys (AUSAs) who were criticized by a federal judge in January for a separate violation of court rules. In that instance, the prosecutors were chided for wrongly stating in court that they had evidence they didn't actually possess against two top mobsters who were indicted last year for ordering the killing of [Meldish](#) — underboss Steven ([Stevie Wonder](#)) Crea and his capo son, Steven D. (Stevie Junior) Crea.

The sources say the new disclosures show that in 2015, the same year that Londonio and Caldwell were first indicted for the Meldish murder, an informer told the FBI and the U.S. Attorney's office that he and a crony had gone to see Meldish about a drug deal the night he was killed. The informant told the feds that back in 2013, his associate shot and killed Meldish as the drug dealer sat in the front seat of his car.

The Meldish murder is part of a nine-count Luchese family racketeering indictment that is believed to be one of three major cases that Manhattan Federal Judge Alison Nathan cited in an extraordinary [May 17 court session](#) as cases in which prosecutors withheld favorable defense evidence they were required to turn over to defendants under a 55-year-old U.S. Supreme Court ruling.

During the proceeding, Lisa Zornberg, who heads the office's Criminal Division, said assistant U.S. attorneys had made what she called "inexcusable errors" due to "inadvertence, sloppiness and thoughtlessness." But Zornberg stated that she had "found no indication that any AUSA in this case or the other two cases . . . intentionally acted willfully to withhold information."



Terrence Caldwell GL

Zornberg added that "to make sure that errors don't happen again" she had "led an internal training for unit chiefs" and had ordered retraining of "every AUSA in the criminal division" of the SDNY about their obligations to turn over *Brady Material* which is named after the defendant in a crucial 1963 U.S. Supreme Court ruling.

Neither Zornberg nor Nathan identified the two other cases. But speaking from the bench, Judge Nathan stated that White Plains Judge Cathy Seibel, who is handling the 19-defendant Luchese case, was one of two judges who had encountered similar *Brady Material* issues "within the last few weeks."

Gang Land located only one brief mention on that topic in Luchese case filings going back two months. In it, lawyer Robert Franklin complained to Seibel that prosecutors would "not address the Brady/Discovery issues that have arisen" since he took over Stevie Wonder Crea's defense from Jeffrey Lichtman on April 6.



Jacqueline Kelly GL

It's not clear whether prosecutors [Scott Hartman](#), Jacqueline Kelly and Hagan Scotten turned the material over before or after they were retrained about their obligations to turn over *Brady Material* to defendants as soon as they received it.

But sources say the prosecutors informed Franklin, and attorneys for the four other defendants charged with Meldish's murder, including former acting boss Matthew (Matty) Madonna, that the cooperating witness had implicated himself and an associate in the killing of Meldish.

The sources say that the CW told the feds that he and another person drove to the Throggs Neck section of the Bronx to meet Meldish to discuss the location where they were supposed to contact a Meldish drug supplier who had agreed to sell them heroin on consignment.

The witness stated that both men got out of the car to greet Meldish, who was near his car, the sources say. But when they met up with Meldish, the associate told the CW to go back to their car, which was parked a few cars down the block, and retrieve an *iPad* so they could use it to figure out the best route to take to get to the drug dealer.

The sources say that when the CW walked back to their car and looked in the back seat, he heard what he thought was a car door slam. As he got out of the car, he heard the same sound again. As the CW walked back toward Meldish's car, his associate met him and said: "It's done. And if anybody asks, say that you did it, so you get the credit for it."

The sources say that neither man is identified in the heavily redacted material that prosecutors turned over, but they tell Gang Land that the CW subsequently recanted the account he gave the feds back in 2015 and that authorities believe that Caldwell was the triggerman and Londonio was the getaway driver in the Meldish murder.

At around the same time that the CW was fingering himself and a cohort, FBI agent Theodore Otto, the case agent in the Luchese case, AUSA Hartman, mob-busting [NYPD detectives](#) Josh Vanderpool and Joseph Nicolosi, and Bronx prosecutor Christine Scaccia had all decided that Londonio, 44, and Caldwell, 60, were the hit team in the Meldish rubout.



Scott Hartman G L

In May of 2015, [Otto arrested](#) Londonio on a federal weapons charge complaint. During several court sessions, AUSA Hartman fingered him as a suspect in the Meldish murder and he was held without bail.



Steven Crea G L

The following month Bronx prosecutor Scaccia obtained a state [murder indictment](#) against Londonio and Caldwell. The local murder charges appear to have been a [stalling tactic](#) designed to keep the duo on ice while the feds completed a long running probe of the Luchese family hierarchy they had begun in 2012.

The murder case remained stalled in state court until early 2017, when after numerous complaints by lawyers for Londonio and Caldwell in the state case, Charles Carnesi and Larry Sheehan, Bronx judge Steven Barrett ordered Scaccia to turn over discovery material and move the case for trial.

Before that could happen, [in February](#) of last year, prosecutors obtained a federal murder indictment of Londonio and Caldwell, and the duo was transferred to federal custody, where they remain today.

The case has continued to move slowly since then.

In May of 2017, prosecutors unsealed the [nine-count indictment](#) which added the Creas and Madonna to the Meldish murder charge, and charged 14 others with numerous other crimes, including murder conspiracy, extortion, loansharking and labor racketeering.

Last week, following a long-expected and long-delayed decision by Justice Department officials in Washington not to seek the death penalty for the Meldish murder, Judge Seibel ordered prosecutors to confer with defense lawyers and propose a schedule by next week for pre-trial motions in the case, which is currently set for trial in January.

As usual, the various law enforcement officials involved in the case declined to discuss *Brady Material* issues concerning the Meldish murder. So did lawyers Franklin, Carnesi, and George Goltzer, who represents Caldwell in the federal case.



Steven Crea Jr. G L

Three of the 14 non-murder defendants — Paul (Paulie Roast Beef) Cassano, Brian Vaughan, and Richard O'Connor — have copped plea deals. The remaining 11 defendants are slated for trial in October, although sources say plea negotiations are continuing.

Meanwhile, prosecutors Hartman and Kelly, who admitted leveling several incorrect allegations at separate bail hearings for the Creas, remain members in good standing on the prosecution team. Last week, along with co-prosecutor Scotten, they filed a lengthy brief asking Siebel to dismiss all the pre-trial motions filed by the defendants who are not charged with murder.

